IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3080 OF 2006

Jairaj C. Arya.... ... ... Petitioner.
Versus
The Municipal Corporation of
Greater Mumbai & Anr. .... Respondents.

Mr. H. R. Sharma for the Petitioner.
Ms. A. K. Savla for the Respondent - Corporation.

CORAM : SWATANTER KUMAR, C.J. &
DR.D.Y.CHANDRACHUD, J.

DATED : 21ST AUGUST, 2007.

P.C.:

Heard the learned Counsel appearing for the parties.

2. The prayers made in the writ petition can hardly be entertained in a petition under Article 226 of the Constitution of India. Further more, on the own showing of the petitioner, an order was passed by the Division Bench of this Court on 14th October, 2005 in Original Side Writ Petition No. 2557 of 2004 in relation to the property in question and in favour of the petitioner. Further more, the petitioner had earlier filed a Suit in the City Civil Court at Bombay being L. C. Suit No. 2038 of 1980 (Chhotelal

Mahadeo Arya v/s The Municipal Corporation of Greater Bombay), which was decreed in his favour and according to the petitioner his occupation relates to Pitch No.23 at Khar Danda Market.

3. This writ petition is disposed of with liberty to the petitioner to take such steps as are permissible to him in accordance with law, in view of the above noted facts, particularly, the suit and the decree passed therein.

Sd/-

CHIEF JUSTICE

Sd/-

DR.D.Y.CHANDRACHUD, J.